

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**September 24, 1998**

## DIVISION ONE

B115783 Sanchez et al. (Not for Publication)

V.

Lee

The judgment is affirmed. Lee is awarded her costs of appeal.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.

Dunn, J. (Assigned)

B115134 People (Not for Publication)

V.

## Eastland

The order granting a new trial is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.

Ortega, J.

B113832 People (Not for Publication)

V.

Davis et al.

The judgments are affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.

Masterson, J.

September 24, 1998-Continued

DIVISION ONE (Continued)

B110871      HWB Automotive Group, Inc.      (Not for Publication)

v.

Nissan Division of Nissan Motor Corp., USA

The judgment is affirmed. HWB is awarded its costs of appeal.

Vogel (Miriam A.), J.

We concur:    Spencer, P.J.  
                         Ortega, J.

B107278      Zipkin      (Not for Publication)

v.

Rachmann

The orders are affirmed.

Vogel (Miriam A.), Acting P.J.

We concur:    Masterson, J.  
                         Dunn, J. (Assigned)

DIVISION TWO

Court convened at 9:15 A.M.

Present: Boren, P.J., Fukuto, J., Nott, J., Zebrowski, J., and G. Villanueva, Deputy Clerk.

Each of the following:

B114079 People v. Allen

B108827 People v. Gutierrez

B114347 People v. Benard

B116584 People v. Blackwell

B116173 People v. Feliz

B115412 People v. Espinoza

B108429 People v. Brown

DIVISION TWO (Continued)

B110622 People v. Ewing  
B112812 People v. Ruiz  
B115235 People v. Shedrick  
B113543 People v. Sanchez  
B108636 In re: Yvette & Alyssia M.  
B118375 People v. Karel Celeste M.  
B123594 Jose A. v. Sup. Ct.  
B115891 People v. Vessels  
B124114 La Shun S. v. Sup. Ct.  
B120302 People v. Esparza  
B115802 People v. McKay  
B108662 People v. Jurado

Argument waived, cause submitted.

B117337     People  
              v.  
              Duru

Merits:

Argued by Kwasi Asiedu for appellant and by Jacques Garden, Deputy Attorney General for respondent. Cause submitted.

B118324     People  
              v.  
              Calderon

Merits:

Argued by Virginia Flack for appellant and by Stephanie Miyoshi, Deputy Attorney General for respondent. Cause submitted.

DIVISION TWO (Continued)

B113067     People  
              v.  
              Mann

Merits:

Argued by Allen Weinberg for appellant and by Gerbert Tetef, Deputy Attorney General for respondent. Cause submitted.

B114890`    People  
              v.  
              Melendez

Merits:

Argued by Allen Weinberg for appellant and by Peggie Bradford, Deputy Attorney General for respondent. Cause submitted.

B114407     People  
              v.  
              Garcie & Morales

Merits:

Argued by Susan Nash for appellant and by Analee Nations, Deputy Attorney General for respondent. Cause submitted.

B120281     Int'l Window Treatments  
              v.  
              Regnery

Merits:

Argued by Michael Khouri for appellant and by Douglas Morseburg for respondent. Cause submitted.

DIVISION TWO (Continued)

B108899     Potter  
              v.  
              CB Commercial Real Estate

Merits:  
Argued by Kevin Fong for appellant and by Richard Love for respondent.  
Cause submitted.

B121529     United Talent Agency  
              v.  
              Polone

Merits:  
Argued by Marcia Harris for appellant and by James Harris for respondent.  
Cause submitted.

B105789     Carlson  
              v.  
              Department of Fish & Game

Merits:  
Argued by Andre Gaston for appellant and by Barbara Noble, Deputy  
Attorney General for respondent. Cause submitted.

Justice Nott leaves the bench.

B114436     Tillack & Company  
              v.  
              Tubergen

Merits:  
Argued by John Fuchs for appellant and by Robert Fisher for respondent.  
Cause submitted.

Court Recessed.

DIVISION TWO (Continued)

The Court reconvened at 1:00 P.M.

Present: Boren, P.J., Fukuto, J., Nott, J., Zebrowski, J., and G. Villanueva, Deputy Clerk.

B119313      Peters  
                 v.  
                 Fireman's Insurance Co. of Newark

Merits:  
Argued by Michael O'Brien for appellant and by David Porter for  
respondent. Cause submitted.

B118648      People  
                 v.  
                 Trayvon Desawn B.

Merits:  
Argued by Robbie Duberstein for appellant and by Jennifer Leal, Deputy  
Attorney General for respondent. Cause submitted.

B118524      Malibu Mountains Rec.  
                 v.  
                 County of L.A.

Merits:  
Argued by Gerald Sato for appellant and by Peter Gutierrez, Deputy County  
Counsel for respondent. Cause submitted.

DIVISION TWO (Continued)

B117593     Madrid  
              v.  
              Bd. of Retirement, L.A. County

Merits:  
Argued by Mark Singer for appellant and by Rosanne Wong, Deputy  
County Counsel for respondent. Cause submitted.

B121191     Nat'l Assoc. of Forensic Accts.  
              v.  
              Superior Court, L.A. County  
              (Grobstein, Howarth & Co., r.p.i.)

Merits:  
Argued by Pamela Dempsey for petitioner and by Richard Stavin for real  
party in interest. Cause submitted.

B117219     Lengacher  
              v.  
              Shepherd

Merits:  
Argued by Carroll McCortney for appellant and by Kit Knudsen for  
respondent. Cause submitted.

B113221     Nguyen  
              v.  
              20th Centry Insurance Co.

Merits:  
Argued by Michael Goodheart for appellant and by Roy Weatherup for  
respondent. Cause submitted.

Justice Fukuto leaves the bench.

## September 24, 1998-Continued

## DIVISION TWO (Continued)

B108694      Wausau Underwriters Ins. Co.  
v.  
Unigard Insurance Company, et al.

Merits:

Argued by Alex Duarte for appellant and by Rita Gunasekaran; Kirk Chamberlin; Patricia Wilson and Stephen Soskin for respondents. Cause submitted.

Court adjourned.

## DIVISION THREE

B112849 People (Not for Publication)  
B117194 v.  
Garibay  
In Re David Garibay on H.C.

The judgment is modified by staying the two-year prison term imposed for Garibay's conviction of making a terrorist threat in violation of Penal Code section 422. The petition for writ of habeas corpus is denied.

Kitching, J.

We concur:   Croskey, Acting P.J.  
                    Goodman, J. (Assigned)

B114891 People (Not for Publication)  
v.  
Ortiz

The judgment is affirmed.

Croskey, Acting P.J.

We concur: Aldrich, J.  
Goodman, J. (Assigned)



September 24, 1998-Continued

DIVISION THREE (Continued)

B114862      Ken Takyi                                  (Not for Publication)  
v.  
Howard Gorin  
Hollins & Rice

The court, treating the appeal as a petition for extraordinary relief, denied the petition. Costs on appeal awarded to respondent Hollins & Rice.

Kitching, J.

We concur: Klein, P.J.  
Aldrich, J.

B105275      Sana Linda Huck      (Not for Publication)  
v.  
Sorrell Trope, et al.

The judgment of nonsuit is reversed and the cause is remanded again for further proceedings consistent with the views expressed herein. Plaintiff shall recover her costs on appeal.

Aldrich, J.

We concur:   Croskey, Acting P.J.  
                  Kitching, J.

## September 24, 1998-Continued

### DIVISION THREE (Continued)

B108281 People (Not for Publication)  
v.  
Rivera et al.

The judgments are affirmed. As to appellant Rivera only, the matter is remanded to the trial court for redetermination of the number of days of credit. Thereafter, the clerk of the superior court is ordered to prepare and file a new abstract of judgment reflecting the correct number of days of credits for Rivera and forward the same to the Department of Corrections.

Goodman, J. (Assigned)

We concur: Klein, P.J.  
Croskey, J.

## DIVISION FOUR

B119794      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Kelly A.

The judgment is reversed. The matter is remanded for further proceedings consistent with this opinion.

Epstein, Acting P.J.

We concur: Hastings, J.  
Cooper (F.M.), J. (Assigned)

B115661      Johnson                      (Not for Publication)  
v.  
Loya

The judgment is reversed in part and affirmed in part. Costs on appeal are awarded to appellants.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Cooper (F.M.), J. (Assigned)

DIVISION FOUR (Continued)

B121696      Alpine Insurance Company et al.                      (Not for Publication)  
v.  
The Superior Court of Los Angeles County  
Continental Casualty Company

The petition for writ of mandate is granted. The trial court is directed to vacate its order of March 31, 1998 requiring Transco to file a bond in the amount of \$1,281,967 and requiring Alpine to file a separate bond in the amount of \$781,961. The trial court is directed to vacate the orders entering the defaults of Alpine and Transco, and to enter a new order directing Transco and Alpine to file bond in the aggregate amount of \$781,961 as a prerequisite to filing an answer to Continental's cross-complaint. Petitioners to have their costs on appeal.

Epstein, J.

We concur:    Vogel (C.S.), P.J.  
                     Hastings, J.

B117355      People    (Not for Publication)  
v.  
Stokes

The judgment is affirmed.

Epstein, J.

We concur:    Vogel (C.S.), P.J.  
                     Cooper (F.M.), J. (Assigned)

September 24, 1998-Continued

DIVISION FOUR (Continued)

B117967 People (Not for Publication)

V.

Abeyta

The Court:

For the foregoing reasons, the judgment is affirmed .

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

B113243 People (Not for Publication)

V.

Evans and Boyd

The abstracts of judgment are ordered amended; the judgments are affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Cooper (F.M.), J. (Assigned)

## DIVISION SIX

B116179 People (Not for Publication)

V.

McDowell

The judgment is affirmed.

Coffee, J.

We concur:    Gilbert, Acting P.J.  
                         Yegan, J.

September 24, 1998-Continued

## DIVISION SIX (Continued)

[illegible]

The judgment is affirmed.

Yegan, J.

We concur:   Stone, P.J.  
                      Gilbert, J.

[illegible]

The post-judgment order is affirmed with costs to respondent. Respondent's request for sanctions is denied.

Coffee, J.

We concur:    Gilbert, Acting P.J.  
                      Yegan, J.

## DIVISION SEVEN

B109737 Kovacs  
v.  
Dodson

Late petition for rehearing denied by operation of law.

DIVISION SEVEN (Continued)

B122333      Truck Ins. Exchange et al.      (Not for Publication)

v.

Superior Court, Los Angeles County

(Park Northridge Homeowners Assoc., r.p.i.)

The petition for writ of mandamus and/or prohibition is denied and the stay of proceedings is vacated. Each party to bear its own costs.

Lillie, P.J.

We concur:   Johnson, J.

Woods, J.

B111053      People      (Not for Publication)

v.

Newman

The judgment is affirmed.

Lillie, P.J.

We concur:   Johnson, J.

Woods, J.